IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
WRIT PETITION NO : 35819 of 1997

Between:
P.Kondalarao, S/o P.Govindarajulu,
R/o. Gunnathotavalasa, Vizianagaram Dist.

..... PETITIONER

AND

1 The General Manager, The Nizam Sugars Ltd., Latchayyapeta, Seethanagaram Mandal, Vijayanagaram Dist.
2 The Managing Director, Nizam Sugars Ltd., ., Shakar Bhavan, Fateh Maidan Road, P.B.No.1, Khairatabad, Hyd.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus directing the respondents to issue necessary proceeding regularising the petitioner as Field maistry in the 1st respondent establishment from 25.11.93 with all consequential benefits of pay scale, seniority and other service benefits as per G.O.Ms.No.212, dt.22.4.94 issued by the Finance & Planning (FW.PC.III) dept. by holding the inaction of the respondents as illegal and consequential proceeding of the 1st respondent in REF.NO.NSL/LPT/PER/441/3808 as arbitrary, illegal and without jurisdiction

Counsel for the Petitioner:Mr.N.Jagannadham

For the Respondent Nos 1 and 2.: MR.N.VASUDEVA REDDY

The Court Made the Following Order:

HONOURABLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

WRIT PETITION No. 35819 of 1997

ORDER:

The writ petition was filed by the petitioner after he was relieved from service and sought directions for regularization of his services and payment of emoluments. During the pendency of the petition, there was stay operating. In addition to petitioner, there were around 150 employees who were retrenched under Section 25-F of the Industrial Disputes Act. The stay order passed was according to the petitioner, pending disposal of the writ petition. Thus, the respondent-company continued to pay salary to the petitioner till May, 2003. Since June, 2003, salaries were not being paid.

During the pendency of the writ petition, all units of respondent-company including Lachayyapet were privatized and the company was transferred to M/s. .N.C.S. Estates (Pvt.) Ltd.

In view of the subsequent developments, in so far as the main relief sought for in the petition is concerned, the same cannot be granted in this petition and as such the petition has been rendered infructuous. Since the other employees who were retrenched in the year 1997 were paid retrenchment compensation, it may be a case for payment of retrenchment compensation. For that purpose, learned counsel for the petitioner states that on 13.4.2004 petitioner submitted a representation for payment of retrenchment compensation, which has not been processed or acted upon.

Learned counsel for the respondents states that whatever is due and payable to the petitioner will be duly paid by them.

This Court need not decide as to the quantum of retrenchment compensation payable to the petitioner. It will be for the respondents to take appropriate decision in the matter and pay whatever is due and payable to the petitioner in accordance with law.

With these directions, the writ petition stands disposed of. No costs.

DATE: 17th June, 2004 DEVINDER

GUPTA,CJ

Pnb

Sd/-
Assistant Registrar

To:
1 . The General Manager, The Nizam Sugars Ltd., Latchayyapeta, Seethanagaram Mandal, Vijayanagaram Dist.

2. The Managing Director, The Nizam Sugars Ltd., Shakkar Bhavan, Fateh Maidan Road, P.B.No.1, Khairatabad, Hyd.

3) 2 C.D.Copies